APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/633,113	08/01/2003	Michael Beuten	10191/3300	3639

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EXAMINER
CHERY, MARDOCHEE

ART UNIT	PAPER NUMBER
2188	

DATE MAILED: 11/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	10/633,113	BEUTEN ET AL.
	Examiner	Art Unit	
	Mardochee Chery	2188	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _14 August 2006_.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-10 and 12_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-10 and 12_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some *   c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _8/14/06_.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Response to Amendment

1.   This Office Action is in response to Applicant's communication filed on

August 14, 2006 in response to PTO Office Action mailed on August 26, 2005.

The Applicant's remarks and amendments to the claims and/or the specification

were considered with the results that follow.

2.   In response to the Office Action mailed on August 26, 2005, claims 1, 6, 8,

and 12 have been amended. Claim 11 has been canceled. Accordingly, claims 1-

10 and 12 are now pending.

3.   The objection to the drawing has been withdrawn due to the amendment

filed on February 15, 2006.

4.   The rejection of claims 1, 11, and 12, under 35 USC 112, first paragraph

has been withdrawn due to the amendment filed on August 14, 2006.

5.   The rejection of claim 11, under 35 USC 101 has been withdrawn due to

the amendment filed on February 15, 2006.

Response to Arguments

6.   Applicant's arguments with respect to claims 1-10 and 12 have been

considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

7.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for

all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described
> as set forth in section 102 of this title, if the differences between the subject matter sought to
> be patented and the prior art are such that the subject matter as a whole would have been
> obvious at the time the invention was made to a person having ordinary skill in the art to which
> said subject matter pertains. Patentability shall not be negatived by the manner in which the
> invention was made.

8.   Claims 1-10, and 12 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Sorber (6,088,777) in view of Porterfield (6,192,457) and

further in view of Bright (6,141,756).

As per claim 1, Sorber discloses a method for providing dynamic memory

management of a memory device, the method comprising: providing a first

memory block in the memory device [col.3, paragraph 3 and col.5, par.4]; storing

a startup program in the first memory block [col.7, par.2]; providing additional

memory blocks [col.3, par.2]; and connecting the first memory block and the

additional memory blocks by a chained list [col.16, lines 54-57]; wherein the

chained list is executed upon checking the memory device [col.7, lines 15-28 and

col.8, lines 55-67].

However, Sorber does not specifically teach the startup program obtains

data for a check from the additional memory blocks as required by the claim.

Porterfield discloses the startup program obtains data for a check from

the additional memory blocks [col.4, lines 3-13] to initialize the computer system

upon being turned on (col.4, lines 11-13).

Since the technology for implementing a method for dynamic memory

management with the startup program obtaining data for a check from the

additional memory blocks was well known as evidenced by Porterfield, an artisan

would have been motivated to implement this feature in the system of Sorber

since this would have initialized the computer system upon being turned on.

Thus, it would have been obvious to one of ordinary skill in the art at the time of

invention by applicant to modify the system of Sorber to include the startup

program obtaining data for a check from the additional memory blocks because

such feature would have initialized the computer system upon being turned on

(col.4, lines 11-13) as taught by Porterfield.

However, Sorber and Porterfield do not explicitly teach the memory device

is checked before the chained list is executed as claimed.

Bright discloses a memory device is checked before a chained list is

executed [col. 3, ll 15-27] to add security to the bootstrap mode of processors

(col. 1, ll 5-7).

Since the technology for implementing a method for dynamic memory

management with a memory being checked before a chained list is executed was

well known as evidenced by Bright, an artisan would have been motivated to

implement this feature in the system of Sorber and Porterfield in order to add

security to the bootstrap mode of processors. Thus, it would have been obvious

to one of ordinary skill in the art, at the time of invention by Applicant, to modify

the system of Sorber and Porterfield to include a memory being checked before a

chained list is executed since this would have helped with adding security to the

bootstrap mode of processors (col. 1, II 5-7) as taught by Bright.

As per claim 2, Sorber discloses the checking is performed using an

addition checksum [col.13, lines 10-17].

As per claim 3, Sorber discloses the checking is performed by a cyclic

block backup [col.14, lines 5-11].

As per claim 4, Porterfield discloses the checking is performed at a time of

booting a system that includes the first memory block and the additional memory

blocks [col.4, lines 4-13].

As per claim 5, Porterfield discloses the checking is performed in the

background during operation of a system that includes the first memory block

and the additional memory blocks [col.4, lines 9-13].

As per claim 6, the rationale in the rejection of claim 1 is herein incorporated.

As per claim 7, Sorber discloses each of the additional memory blocks includes an information area that stores information on the memory block itself [Abstract, lines 17-18].

Porterfield further discloses a checking area that stores information for performing the check [col.4, lines 9-13].

As per claim 8, the rationale in the rejection 1 is herein incorporated. Porterfield further discloses a system, comprising: a computing unit [Fig.1].

As per claim 9, Sorber discloses the memory device includes a non-volatile memory module [col.7, lines 4-7].

As per claim 10, Porterfield discloses the computing unit includes an embedded microcontroller [Fig.1].

As per claim 12, the rationale in the rejection of claim 1 is herein incorporated. Sorber further discloses a computer-readable storage medium including program code for providing dynamic memory management of a memory device, the program code being executable in a computing arrangement [Fig.2].

Conclusion

9.   Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

10.   When responding to the office action, Applicant is advised to clearly point out the patentable novelty that he or she thinks the claims present in view of the state of the art disclosed by references cited or the objections made. He or she must also show how the amendments avoid such references or objections. See 37 C.F.R. 1.111(c).

11.   When responding to the office action, Applicants are advised to provide

the examiner with the line numbers and page numbers in the application and/or

references cited to assist the examiner to locate the appropriate paragraphs.

12.   Any inquiry concerning this communication or earlier communications from

the examiner should be directed to Mardochee Chery whose telephone number

is (571) 272-4246. The examiner can normally be reached on 8:30A-5:00P.

If attempts to reach the examiner by telephone are unsuccessful, the

examiner's supervisor, Manonama Padmanabhan can be reached on (571) 272-

4210. The fax phone number for the organization where this application or

proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

October 30, 2006

Mardochee Chery
Patent Examiner
AU2188

HYUNG SOUGH
SUPERVISORY PATENT EXAMINER
10/30/06